

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEON ERNEST LAWRENCE,

Plaintiff,

v.

No. 9:05-CV-653
(FJS/DRH)

KEALY, New York State Trooper;
HOUGHMASTER, New York State
Trooper; NEW YORK STATE POLICE
DEPARTMENT; and STATE OF NEW
YORK,

Defendants.

APPEARANCES:

DEON ERNEST LAWRENCE
05-B-1123
Plaintiff, Pro Se
Gowanda Correctional Facility
Post Office Box 311
Gowanda, New York 14070

OF COUNSEL:

HON. ELIOT SPITZER
Attorney General for the
State of New York
Attorney for Defendants
The Capitol
Albany, New York 12224-0341

STEPHEN M. KERWIN, ESQ.
Assistant Attorney General

FREDERICK J. SCULLIN, JR., C.D.J.:

DECISION AND ORDER

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge David R. Homer filed January 31, 2005, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed January 31, 2005 is **ACCEPTED** in its entirety, for the reasons stated therein; and it is further

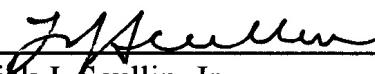
ORDERED, that defendants' motion to dismiss is **GRANTED**, and it is further

ORDERED, that all claims are **DISMISSED** against the New York State Police Department and the State of New York, and it is further

ORDERED, that all claims are **DISMISSED** against Kealy and Houghmaster in their official capacities and that the case proceed against these two defendants solely in their individual capacities.

IT IS SO ORDERED.

DATED: February 21, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Chief United States District Court Judge

